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EXAMINER

NGUYEN, CAM LINH T

ART UNIT PAPER NUMBER

2161

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/071,415	Applicant(s) DIRISALA ET AL.	
	Examiner CamLinh Nguyen	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-11,13-17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-11,13-17 and 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is response to amendment filed on 1/29/2007.
2. Applicant's amendments to claims 1 – 28 are acknowledged. Consequently, claims 7 - 8, 12, and 18 have been cancelled. Claims 29 – 31 have been added. Claims 1 – 6, 9 - 11, 13 – 17, and 19 - 31 are currently pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 – 6, 9 - 11, 13 – 17, 19 - 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 14, 15, 22, are rejected as non-statutory for not having a tangible result. The search when it falls to the condition “when the search involves a local search” does not necessarily require the result is retrieved from the source nor displayed to the user. Only when the remote search is performed, the result then can be displayed. Therefore, there is no tangible result in this search condition. To be patent-eligible, abstract steps must produce either a physical transformation or a useful, concrete and tangible result.

For suggestion how to overcome this rejection, applicant need to produce a tangible result based on these devices such as displaying the result for the local search.

5. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of

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application amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 6, 9 - 11, 13 – 17, 19 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bly et al (U.S. 2002/0077944 A1) in view of Naohito Nakamura (U.S. 6,633,873) further in view of Larry Harris (U.S. 2002/0059204).

♦ As per claims 1, 14,

Bly discloses a method of facilitating a distributed search for a procurement request comprising:

- “Receiving the procurement request from a user, wherein the procurement request is subject to organizational procurement controls, and wherein the procurement request involves requesting goods and/or services” See Fig. 3 and 10, paragraph 0063 and 0109. The Examiner notes that “procurement controls” specifies controls on price, “quantity”, brand, and source for an item to be purchased (as specified in the remark on page 9, last paragraph). Therefore, the “procurement request” corresponds to a request in the Bly reference (Fig. 10) that comprising price, band (make/model) (corresponds to good), or service (Lease, buy, rent or all).

- “ Requesting a remote supplier to conduct a remote search to satisfy the procurement request, wherein the remote supplier is an external supplier and/or vendor who is located outside of the organization to which the user belongs, and wherein the request identifies to the remote supplier a context in which to execute the remote search” See paragraph 0045, wherein Bly teaches that multiple data server can be combined.

- Examiner agrees that Bly is silent on teaching conducting a remote search.

However, Bly does teach that multiple servers can be combined to provide information to client. Therefore, each “additional server” corresponds to a “remote supplier” in this situation. Nakamura, on the other hand, discloses a method for retrieving data from a local and remote database (See Fig. 2 of Nakamura) comprising the teaching of searching for material in local and remote storage system (col. 5, lines 7 – 30 of Nakamura). Therefore, Nakamura teaches “Using the organization procurement controls to determine if the search involves a local search and/or a remote search” as claimed in the claims invention, wherein the “controls” corresponds to the “retrieval device” 6 in Fig. 1 of Nakamura.

Further Nakamura teaches: “when the search involves a local search, initiating a local search of a local information source” See Fig. 2 of Nakamura wherein

Nakamura teaches the local search and the condition is “Yes”.

Since both references are in the same field of invention (searching and retrieving, see the abstract of both references), it would have been obvious to one with ordinary skill in the art at the time the invention was made, to apply the teaching of Nakamura into

the invention of Bly because the combination would provide the user more accurate results, and reduce the time in searching the databases.

- “Wherein the request identifies to the remote supplier a context in which to execute the remote search” Bly implicitly teaches this limitation by associated a search parameter with class of user such as whether a user is a member or a dealer (page 10, paragraph 0109). By using this information, the search result is limited based on the user’s affiliation (member or dealer). Applicant defined that “a context in which to execute the remote search” as a context that “ may be associated with a user’s identify, user’s affiliation or a language” (see page 10 of the Remark). Therefore, in Bly system, the user identify or user’s affiliation (corresponds to member or dealer) is associated with the search parameter (see paragraph 0109 of By) that the remote supplier can be used to execute the remote search and return to the user based on this user identify or user’s affiliation. In the event that this limitation is not taught by Bly, Harris, on the other hand, discloses a method for searching data over the Internet (see the abstract of Harris). Harris teaches that a query can be associated with user ID or business rule (See paragraph 0015, 0062 of Harris). The system can be configured to prevent the query information from being applied to a data source for which the user is not allowed to access (paragraph 0053 of Harris). As discussed above, Applicant defined that a context may be include user ID in which to execute the remote search. Therefore, Harris clearly discloses a request identifies to the remote supplier a context in which to execute the remote search (by associated the user

ID so that the remote search can be granted appropriate privileges and scopes associated with the context.

Since Harris references is also in the same field of invention (searching and retrieving, see the abstract of both references) with the combination reference above, it would have been obvious to one with ordinary skill in the art at the time the invention was made, to apply the teaching of Harris into the combined references above because the combination would provide the user more accurate results, and protect the resource from being accessed by unauthorized users (see paragraph 0053 of Harris).

- “Initiating a local search of a local information source” See Fig. 3 of Bly wherein the local information corresponds to the “market database” or Nakamura
- “Receiving results of the remote search” See Fig. 2 of Nakamura.
- “Filtering results of the remote search by applying organizational procurement controls to the results of the remote search, whereby the organizational procurement controls can be applied to the results of the remote search which is performed by the remote supplier” See page 10, paragraph 0109, paragraph 0096 of Bly, and paragraph 0053 of Harris.
- “Merging said remote search results with results of the local search” See Fig. 2 of Nakamura.

♦ As per claim 2, Bly/ Nakamura /Harris disclose:

- “Filtering said remote search results with a set of local rules” See page 10 paragraph 0108 – 0109 of Bly. The “local rule” corresponds to the “predetermined condition” of the search query.

◆ As per claim 3, Bly/ Nakamura /Harris disclose:

- “ Filtering comprises editing said remote search results according to a set of rules regarding information ... user” See page 10 paragraph 0108 – 0109 of Bly. The search result is filtered by the search parameters like class of user or the conditions that user selected (paragraph 0109 of Bly).

◆ As per claim 4, Bly/ Nakamura /Harris disclose:

- “ Selecting said remote information source from multiple information sources” corresponds to the methodology that allowing the user selects the market databases, since the market database is equivalent to the “multiple information source” (See page 6, paragraph 0063 of Bly).

◆ As per claim 5, Bly/ Nakamura /Harris disclose:

- “ Said remote search is conducted without the user being connected to the remote information source” See Fig. 2 of Nakamura. The remote database is searched by the system and the results are returned to the user automatically. Therefore, the user is not connected to the remote source.

◆ As per claim 6,

Nakamura /Bly fail to disclose, “ The remote information source employs a user interface different from a user interface employed by the local information source”. According to Fig. 1 of the disclosure, the remote source interface is different with the local interface by its format in the database.

However, Harris, on the other hand, discloses a distributed search system that comprises a plurality of data sources (See Fig. 2, Harris). The data source can be in different formats

(page 2, paragraph 0029). Therefore, Harris discloses a remote source that has a different interface with the local interface.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Harris into the combination system of Holt /Bly because the combination would allow the user obtains more result from different data sources.

◆ As per claims 9 - 11, 16, 19 – 20, 24, the combination of Nakamura /Bly/Harris disclose:

- “ Said context comprises an identity of the user” and “ comprises an identity of an organization operating the local resource” See page 10, paragraph 0109 of Bly and paragraph 0052 – 0053, 0062, Harris.
- “ Said context comprises a language” See paragraph 0047, Harris.

◆ As per claims 13, 25, Bly/ Nakamura /Harris disclose:

- “ Remote search and local search are performed at least partially in parallel” See Fig. 2 of Nakamura.

◆ As per claims 15, 22, the combination of Nakamura /Bly/Harris disclose:

With all limitation as in claim 1, further including:

- “ Said requesting comprises identifying to the remote information source a context in which to execute the remote search” See page 5, paragraph 0052 – 0053, Harris.
- “ Said context comprises an identity of the user” and “ comprises an identity of an organization operating the local resource” See paragraph 0052 – 0053, 0062, Harris.
- “ Said context comprises a language” See paragraph 0047, Harris.

◆ As per claim 17, the combination of Nakamura /Bly/Harris disclose:

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- “ Selecting said remote information source from multiple information sources” See Fig. 3 of Bly.

◆ As per claim 21, the combination of Nakamura /Bly/Harris disclose:

- “ Remote search and local search are performed at least partially in parallel” See Fig. 2 of Nakamura.

◆ As per claim 23, Bly/ Nakamura /Harris disclose:

Claim 23 is rejected based on the rejection of claims 1 – 2.

◆ As per claim 26 - 28, Bly/ Nakamura /Harris disclose:

- “ Wherein the organizational procurement controls include at least one of, an upper limit on a price, an upper limit on a quantity, a prohibition against a given supplier, a limit to a given brand, a limit to a given model, a limit on a delivery option, and a limit on a payment terms” See page 10, paragraph 0109, paragraph 0096 of Bly, and paragraph 0053 of Harris

◆ As per claim 29, Bly/ Nakamura /Harris disclose:

- “ Wherein said presenting comprises displaying said merged search results with the user interface employed by the local information source” Harris, discloses a distributed search system that comprises a plurality of data sources (See Fig. 2, Harris). The data source can be in different formats (page 2, paragraph 0029). In addition Harris also uses a formatting module (Fig. 4, element 48, paragraph 0063) in invention. Therefore, the result in Harris displaying said merged search results with the user interface employed by the local information source.

◆ As per claims 30 - 31, Bly/ Nakamura /Harris disclose:

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- “ Wherein said requesting a remote supplier comprises identifying to the remote information source a context in which to execute the remote search” corresponds to the step of sending the request to the remote database to search for a particular document/keyword.

Response to Arguments

8. Applicant's arguments filed 1/29/2007 have been fully considered but they are not persuasive.

Applicant argues that nothing in Bly, Holt, or Harris teaches a mechanism for controlling the nature of the search. The Examiner respectfully disagrees.

As discussed above, Nakamura, on the other hand, discloses a method for retrieving data from a local and remote database (See Fig. 2 of Nakamura) comprising the teaching of searching for material in local and remote storage system (col. 5, lines 7 – 30 of Nakamura). Therefore, Nakamura teaches “Using the organization procurement controls to determine if the search involves a local search and/or a remote search” as claimed in the claims invention, wherein the “controls” corresponds to the “retrieval device” 6 in Fig. 1 of Nakamura.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam Linh

LN

Handwritten signature:
Apu Mofiz
SIB TCW